

Name

Ramiro Munoz Garza

Address

CDC or ID Number

F04325

E-filing

Fresnoto San Francisco

(Court)

CV 08

FILED
AUG 26 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

4086JSW

PETITION FOR WRIT OF HABEAS CORPUS

No.

F02070231-5

(To be supplied by the Clerk of the Court)

(PR)

<u>Ramiro Munoz Garza</u>	
Petitioner	vs.
Respondent	

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

008-4086JSW

This petition concerns:

- ☒ A conviction ☐ Parole
☒ A sentence ☐ Credits
☒ Jail or prison conditions ☐ Prison discipline
☐ Other (specify): Broken Probation 13 year

1. Your name: LID I had
2. Where are you incarcerated? San Diego, CA
3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

157 2 hand murder 2415 A
assault with a deadly weapon

- b. Penal or other code sections: _____

- c. Name and location of sentencing or committing court: Fresno, CA

- d. Case number: F 02670731-9

- e. Date convicted or committed: 2002 FEB 14

- f. Date sentenced: 13 years I don't no

- g. Length of sentence: 13 years

- h. When do you expect to be released? as soon as you do real easy

- i. Were you represented by counsel in the trial court? ☐ Yes. ☒ No. If yes, state the attorney's name and address:

I was my own lawyer took it to
court

Publ. C 100 for den

4. What was the LAST plea you entered? (check one)

- ☒ Not guilty ☐ Guilty ☐ Nolo Contendere ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

- ☐ Jury ☒ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

Will I got Post for 157 2 hand
murder with a 1 year
program probation and 5 years
13 year LID joint Subvention

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

Will when I was at the
program at LA State to by
court for 1 year I got into
a fight with a guy in the
program we were both in
the program they said could
not take a fight slap in
the face I went to court
for 1 year I was in the
I went to court Fresno
CA gave me 13 years LID
I had I tell that not
right due to fact were

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

Both in program will
they said at first
went to court they gave me
13 years

7. Ground 2 or Ground

it was a self defense
fight for my part also
if you find my part
good thank you

a. Supporting facts:

I was in a self defense
program a self defense
guilty it should be 1 year
is too much time 1 year
all the rest of the people
give me a chance to be
I hope you can help me
I hope you can help me
they want
to release all the
prisoner any way
I hope well this was just
a fist fight you no at
any level you no 13 years
is too much time guilty
or innocence so I hope
you can help me

b. Supporting cases, rules, or other authority:

find me good just
a self defense fight
all the rest of the people
had proba 1 year
1 year program out on the street
just this little fight come on

thank you

8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes. ☐ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

b. Result

Appellate

c. Date of decision:

d. Case number or citation of opinion, if known:

5a, 2nd

e. Issues raised: (1)

for a trial judge

(2)

Self defense

(3)

f. Were you represented by counsel on appeal? ☐ Yes. ☐ No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes ☐ No. If yes, give the following information:

a. Result

Superior

b. Date of decision:

c. Case number or citation of opinion, if known:

5a, 2nd

d. Issues raised: (1)

for a trial judge

(2)

Self defense

(3)

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

will you No the hole story
if you want to believe
it was my fault your
No good to me I need
to Appeal same how
to a trial judge
I not say you not a good
Judge I'm not your

b. Did you seek the highest level of administrative review available? ☒ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

a level
of said NO

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☐ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: Eastern District of South
 (2) Nature of proceeding (for example, "habeas corpus petition"): no
 (3) Issues raised: (a) 20 years you
 (b) keep on send
 (4) Result (Attach order or explain why unavailable): my lawyer
 (5) Date of decision: by court
- b. (1) Name of court: Escondido
 (2) Nature of proceeding: all the level
 (3) Issues raised: (a) 0 + my court
 (b) also
 (4) Result (Attach order or explain why unavailable): no
 (5) Date of decision: I need you to

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

do case for
me Appeal real easy

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

16. Are you presently represented by counsel? ☐ Yes. ☐ No. If yes, state the attorney's name and address, if known:

I need a public defender

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☐ No. If yes, explain:

your my last chance

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

all court told me no
I gave you my story also all the court
that said no

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date:

Ramiro Luna 2 Garza
 (SIGNATURE OF PETITIONER)

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Return to: 10025 GYMSE 1013
10025 GYMSE 1013
10025 GYMSE 1013



Office of the clerk of the court
Northern District of CA
450 Golden Gate Avenue
San Francisco CA 94102

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SEP 25 PM 2:17

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

pro R

4-20-08

[Handwritten signature]